

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CANDACE PEÑA,

Plaintiff,

v.

Civil No. 2:17-cv-01138 KG-SMV

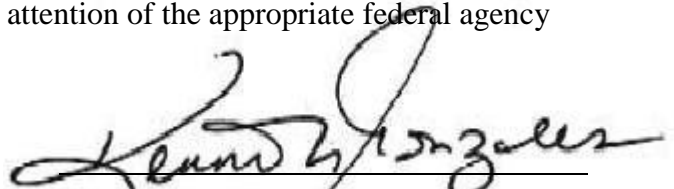
UNITED STATES OF AMERICA,

Defendant.

ORDER OF DISMISSAL

THIS MATTER having come before the Court upon Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 6), and the Court having reviewed the motion and noting that Plaintiff did not file a response, FINDS THAT the motion is well-taken and should be granted.

IT IS THEREFORE ORDERED THAT Plaintiff's Complaint for Damages is dismissed with prejudice on the ground that this Court lacks subject matter jurisdiction because Plaintiff failed to exhaust her administrative remedies. In addition, any federal claims are now untimely since Plaintiff never brought those claims to the attention of the appropriate federal agency within two years of accrual.


UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

s/ Roberto D. Ortega, 1/3/18

ROBERTO D. ORTEGA

Assistant United States Attorney

APPROVED BY:

Electronically approved as to form, 1/3/18

JONATHAN DIENER

Attorney for Plaintiff